

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
8

9 CLARENCE GAMBLE,
10 Plaintiff,

Case No. 2:15-CV-00619-JAD-VCF

11 v.

Order

12 SOUTHERN DESERT CORRECTIONAL
13 CENTER *et al.*,
14 Defendants.
15

16 **I. DISCUSSION**

17 On September 16, 2015, the Court issued a screening order dismissing the claim for
18 deliberate indifference to serious medical needs against defendants Adams, Cheryl Dressler,
19 F. Dreesen, Dr. Peter Debry, and Ben Gutterrez with leave to amend, dismissing Southern
20 Desert Correctional Center with prejudice, and permitting the deliberate indifference to serious
21 medical needs claim against defendant Brian Williams to proceed. (ECF No. 2 at 9). The
22 Court granted Plaintiff 30 days from the date of that order to file an amended complaint curing
23 the deficiencies of the deliberate indifference to serious medical needs claim against
24 defendants Adams, Cheryl Dressler, F. Dreesen, Dr. Peter Debry, and Ben Gutterrez. (*Id.*).
25 The Court specifically stated that if Plaintiff chose not to file an amended complaint, the action
26 would proceed on the deliberate indifference to serious medical need claim against defendant
27
28

1 Brian Williams. (*Id.*). Plaintiff has not filed an amended complaint. Pursuant to the screening
2 order, this action shall proceed on the Eighth Amendment deliberate indifference to serious
3 medical needs claim against defendant Brian Williams.

4 **II. CONCLUSION**

5 For the foregoing reasons, **IT IS ORDERED** that, pursuant to the Court's screening
6 order (ECF No. 2), this action shall proceed on the deliberate indifference to serious medical
7 needs claim against defendant Brian Williams.

8 **IT IS FURTHER ORDERED** that given the nature of the claim(s) that the Court has
9 permitted to proceed, this action is **STAYED** for ninety (90) days to allow Plaintiff and
10 Defendant an opportunity to settle their dispute before the \$350.00 filing fee is paid, an answer
11 is filed, or the discovery process begins. During this ninety-day stay period, no other pleadings
12 or papers shall be filed in this case, and the parties shall not engage in any discovery. The
13 Court will refer this case to the Court's Inmate Early Mediation Program, and the Court will
14 enter a subsequent order. Regardless, on or before ninety (90) days from the date this order
15 is entered, the Office of the Attorney General shall file the report form attached to this order
16 regarding the results of the 90-day stay, even if a stipulation for dismissal is entered prior to
17 the end of the 90-day stay. If the parties proceed with this action, the Court will then issue an
18 order setting a date for Defendants to file an answer or other response. Following the filing
19 of an answer, the Court will issue a scheduling order setting discovery and dispositive motion
20 deadlines.

21 **IT IS FURTHER ORDERED** that "settlement" may or may not include payment of
22 money damages. It also may or may not include an agreement to resolve Plaintiff's issues
23 differently. A compromise agreement is one in which neither party is completely satisfied with
24 the result, but both have given something up and both have obtained something in return.

25 **IT IS FURTHER ORDERED** that if the case does not settle, Plaintiff will be required to
26 pay the full \$350.00 filing fee. This fee cannot be waived. If Plaintiff is allowed to proceed *in*
27 *forma pauperis*, the fee will be paid in installments from his prison trust account. 28 U.S.C.

§ 1915(b). If Plaintiff is not allowed to proceed *in forma pauperis*, the \$350.00 will be due immediately.

IT IS FURTHER ORDERED that if any party seeks to have this case excluded from the inmate mediation program, that party shall file a "motion to exclude case from mediation" on or before twenty-one (21) days from the date of this order. The responding party shall have seven (7) days to file a response. No reply shall be filed. Thereafter, the Court will issue an order, set the matter for hearing, or both.

IT IS FURTHER ORDERED that the Clerk of the Court shall electronically **SERVE** a copy of this order, the original screening order (ECF No. 2) and a copy of Plaintiff's complaint (ECF No. 3) on the Office of the Attorney General of the State of Nevada, attention Kat Howe.

IT IS FURTHER ORDERED that the Attorney General's Office shall advise the Court within twenty-one (21) days of the date of the entry of this order whether it will enter a limited notice of appearance on behalf of Defendants for the purpose of settlement. No defenses or objections, including lack of service, shall be waived as a result of the filing of the limited notice of appearance.

19th
DATED: This _____ day of October, 2015.



United States Magistrate Judge